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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,965	08/31/2001	Toshio Tamura	P20962	6657
7055 7590 12/13/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER				
CUFF, MICHAEL A				
ART UNIT		PAPER NUMBER		
3627				
NOTIFICATION DATE		DELIVERY MODE		
12/13/2007		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com

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Office Action Summary

Application No.

09/807,965

Applicant(s)

TAMURA ET AL.

Examiner

Michael Cuff

Art Unit

3627

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-28, 34-43, 69 and 70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-28, 34-43 and 69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 34-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuzaki et al.

Mtsuzaki et al. shows, figure 2, a custom-made manufacturing system. Customer input unit 1-1 and action monitor 1-2 (terminal and display) allow the user to interact with the order taking and manufacturing part of the product specification defining system. Items 1-1, 1-2, and 1-14 are connected to the rest of the system by network and are therefore remote. There is a Standard Product module 1-7 (standard commodity memory). There is a Form Transforming unit 1-5 (patterned special type commodity memory). Column 6, lines 13-60, describes the interaction of the user inputs and the stored design data and displays products for the user. If no changes are made to a standard design, the price, time and display are based on that of a standard part (inherently there is a determination). If the user modifies a standard design, the price, time and display are based on that of a "patterned special type part (inherently there is a determination). The specification storing unit 1-11 (a receiver) receives data from user input and existing designs and outputs parts data to the product model storing unit 1-12. Figure 9, bottom show a virtual street, which manages the customer's visit schedule.

The virtual street shows the choices of products (electronic catalogue) above and avoids inputs not allowed (introduction of malfunctions). There is a customer management "data storing unit" 1-14 (customer database). Figure 24 shows the cost and due date estimating. The input data includes critical dimensions (tolerance is an inherent data item in parts specifications with critical dimensions).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-28, 69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuzaki et al. in view of Peterson.

Matsuzaki et al., as described above, shows all of the limitations of the claims except for specifying selectable facilities and working in sheet metal.

Peterson teaches, in the "background", column 1, "Manufacturing complex pieces of equipment such as vehicles is not always done from start to finish at a single manufacturing facility. Many of the components of vehicles are subcontracted out to other manufacturers (a practice called "out-sourcing"), who make the parts at their own facilities, or are subcontracted out to subsidiaries at other locations. " Out-sourcing

maximizes resources in manufacturing a multi-part apparatus. Column 6, lines 24-25, teaches sheet metal as a common material.

Based on the teaching of Peterson, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Matsuzaki et al. system to incorporate the practice of out-sourcing in order to maximizes resources in manufacturing a multi-part apparatus.

Note – In context to claim 3, the labeling of a specific product (sheet metal mold, is considered to be non-functional descriptive language and has been given the appropriate patentable weight.

Response to Arguments

Applicant's arguments filed 6/25/07 have been fully considered but they are not persuasive with respect to the art rejection.

Applicant's arguments and amendment to the claim to define a standard product are adequate to overcome the 35 USC 112, 2nd rejections.

Applicant asserts that the prior art does not show a "patterned special products menu". The examiner does not concur. See figure 9, "Walk through custom-made shopping center".

Applicant asserts that the prior art does not show a searchable database for products. The examiner does not concur. See figure 24, Cost and due date estimating unit 2-61.

Applicant argues that the prior art does not show an "in-person" appointment. This is not relevant because the claims only require information to be provided for the intended use of an in-person appointment. Applicant should be mindful that this is an apparatus claim.

Applicant asserts that the prior art does not provide the user with potential commodity malfunctions and instructions on how to avoid them. The examiner does not concur. The closed streets are potential malfunctions and the system instructs the user to use the open streets.

Applicant asserts that claims 41-43 are not addressed. The examiner considers the claim language of claims 41-43 to be nonfunctional descriptive material and has given the limitations the appropriate patentable weight. *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability). A Common situation involving nonfunctional descriptive material is a computer that differs from the prior art solely with respect to nonfunctional descriptive material that cannot alter how the machine functions (i.e., the descriptive material does not reconfigure the computer). In this case the mere labeling of the commodity does not alter how the sales support system functions.

Applicant asserts that a teaching "outsourcing" does not teach the step of selects a product facility that can provide the ordered product, and transmits to the selected product facility instructions for providing the selected product. The examiner does not concur. It would be quite obvious for Matsuzaki to outsource special orders and, in

doing so, Matsuzaki would have sent the instructions to the subcontractor as to what was needed to make the special order.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (571) 272-6778. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.